

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6620 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1to 5: No

AN LIGHTWALA

Versus

DENA BANK

Appearance:

MR KN VALIKARIMWALA for Petitioner

MR RAJNI H MEHTA for Respondent No. 1, 3

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 21/04/98

ORAL JUDGEMENT

1. The petitioner is an ex-employee of the respondent bank and he has challenged the order of dismissal dated December 27,1991. He would have reached the age of superannuation in 1992 within five years. He had a long past service.

2. The petitioner submits that the petitioner is

prepared to resign or to voluntarily retire with effect from 27.11.1989, the date of dismissal, if the dismissal order is set aside.

3. On this question, the Appropriate Authority would be the bank to consider the case rather than the Court. Therefore, the bank can be directed to consider this question and to review the petitioner's case in the light of the offer made by him and in the facts and circumstances of the case including his past long service.

4. The learned Counsel for the petitioner submits that the petitioner has suffered a lot and his wife who was suffering from cancer for long time died; the petitioner also would have retired in 1994; the petitioner may make a representation to the bank with a prayer for voluntary retirement with effect from the date of dismissal.

5. It appears that the petitioner has otherwise also suffered a lot at the hands of nature and his plight is miserable. It would be appropriate if the bank considers his representation with due sympathy. Even if his prayer is accepted, the bank will not be incurring any liability of payment of salary for any period. If at all, the petitioner will get the fruits of his past long service.

6. In view of the aforesaid, the petition is partly allowed by directing that the respondent-bank shall review the case of the petitioner and consider his representation for voluntary retirement and/or resignation, with effect from the date of dismissal. The petitioner shall make such representation to the authority of the bank within one month from today and the bank shall consider and decide the same within three months from the date of its receipt.

Rule made absolute accordingly with no order as to costs.

mhs/-